REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

Non-Rejected Claims

Applicant notes that the current Office Action fails to reject claims 26 and 27 added in the previous amendment filed on December 9, 2004. Applicant therefore considers claims 26 and 27 to be allowable.

35 U.S.C. § 102

Claims 1-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,991,306 to Burns et al. (hereinafter "Burns"). Applicant respectfully submits that claims 1-25 are not anticipated by Burns.

Burns discloses:

> A network system includes a content provider connected to local service providers via an interactive distribution network, such as the Internet. The local service providers facilitate delivery of the content from the content provider to multiple subscribers. The local service providers schedule delivery of frequently requested content from the content provider prior to a peak time when the subscribers are likely to request the content. The content is downloaded from the content provider during the off-peak hours and cached at the local service providers for serving to the subscribers during the ensuing peak time. In this manner, the frequently requested content is already present at the local service providers and ready to be served to the subscribers before they actually request it. When the content is finally requested, the data is streamed continuously in real-time for just-in-time rendering at the subscriber computer. Another aspect of is invention involves supplementing content delivery over the Internet with delivery of content over a secondary network, such as a broadcast satellite network. The supplemental broadcast link offers additional bandwidth at a fraction of the cost that would be incurred if the local service provider

installed additional Internet connections, such as T1 or T3 connections. (Burns Abstract).

Claim 1 of the present application recites:

> An apparatus comprising:
> a media serving engine to distribute media content;
> a cache engine coupled to the media serving engine, the cache engine to cache media content; and
> a set of cache policies accessible by the cache engine to define operation of the cache engine, wherein the apparatus can be configured to operate as a cache server and an origin server based on the set of cache policies.

Claim 1 is not anticipated by the Burns reference. In particular, claim 1 recites an apparatus that "can be configured to operate as a cache server and an origin server based on the set of cache policies." (emphasis added) Burns fails to disclose a set of cache policies that determine the operation of an apparatus as a cache server and/or an origin server based on a policy. The Office Action (at page 4) relies on col. 6, lines 35-45 and lines 56-60, as supporting this aspect of the apparatus of claim 1. Col. 6, lines 35-45 of Burns state:

> Many independent service providers (ISPs), as represented by ISP 56, function as terminal connections or "on-ramps" to the high-speed network 54. The ISP 56 acts as an intermediary between the subscribers 58 and 60 and the network 54. The ISP 56 has a network port 62 which provides a high-speed, high-bandwidth connection 64 to the network 54. The ISPs segment and rent portions of the bandwidth to the multiple subscribers 58 and 60 so that the subscribers do not individually need to purchase and maintain their own network connections. The ISPs 56 may also be referred to as point of presence (POP) servers, and the names "ISP" and "POP" are used interchangeably in this disclosure.

Col. 6, lines 56-60 state "The ISP 56 also has a cache server 72 and a continuous media server (CMS) 74. The cache server 72 is configured as a conventional database server having processing capabilities, including a CPU (not shown), and storage 78."

The portions of col. 6 identified above fail to disclose an apparatus that can be configured as a cache server and an origin server. In contrast, the identified portions of col. 6 state that the ISP may be referred to as a POP server. This is merely a different name for the ISP. The identified language also states that the ISP has a cache server and a continuous media server, which are identified as two separate devices. These two servers perform different functions. These identified portions of col. 6 fail to disclose a single device or apparatus that can be configured to operate as a cache server and an origin server based on a set of cache policies.

The Office Action further states, at page 2, "Burns teaches a policy manager 128 which defines and administers rules that determine how and which documents are cached [Col. 10, Lines 48-61]; Rules or protocol or policies that the browser follows to supply the documents) [Col. 8, Lines 15-18])." These portions of the Burns reference merely discuss which documents are cached and when documents should be deleted from the cache. These portions of Burns do not disclose a single apparatus that can be configured as a cache server and an origin server.

Thus, Burns fails to disclose the elements of claim 1. Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is not anticipated by the Burns reference. Given that claims 2-10 depend from claim 1, Applicant

respectfully submits that those claims are likewise allowable over Burns for at least the reasons discussed above.

Claim 11, as amended, recites:

> A method comprising:
> receiving a request for media content from a client, wherein the request is received by a cache server;
> identifying cache policies associated with a type of media content requested;
> determining whether the requested media content is stored by the cache server;
> providing the requested media content to the client if the requested media content is stored by the cache server;
> redirecting the client to an origin server containing the requested media content if the requested media content is not stored by the cache server; and
> reconfiguring the cache server to operate as an origin server in response to receipt of a different server policy.

Claim 11 is not anticipated by the Burns reference. Claim 11 recites "identifying cache policies associated with a type of media content requested". Burns fails to disclose identifying cache policies that are associated with the type of media content requested. The Office Action (at page 7) relies on col. 6, lines 18-19 and col. 8, lines 15-18, as supporting this portion of claim 11. Col. 6, lines 18-19 state "Traffic over the network 54 is organized according to protocols which define how and when data is moved". This language discusses communication protocols, but fails to disclose "identifying cache policies associated with a type of media content requested", as recited in claim 11.

Col. 8, lines 15-18 state "the 'http://' portion of the URL describes the protocol. The letters 'http' stand for HyperText Transfer Protocol, the set of rules

that a browser will follow to request a document and the remote server will follow to supply the document." This language discusses a particular protocol used to handle document requests and responses to those requests. However, the cited language does not disclose "identifying cache policies associated with a type of media content requested", as recited in claim 11.

Furthermore, claim 11 recites, "reconfiguring the cache server to operate as an origin server in response to receipt of a different server policy." The Burns reference fails to disclose reconfiguring a cache server to operate as an origin server. Burns makes no reference to reconfiguring a server in this manner.

Thus, Burns fails to disclose the elements of claim 11. Accordingly, for at least these reasons, Applicant respectfully submits that claim 11 is not anticipated by the Burns reference. Given that claims 13-14 depend from claim 11, Applicant respectfully submits that those claims are likewise allowable over Burns for at least the reasons discussed above.

Claim 15, as amended, recites:

> A method comprising:
> receiving a request for media content from a client, wherein the request is received by a cache server capable of functioning as an origin server and capable of functioning as a cache server;
> processing the request for media content according to a set of cache policies in the cache server if the cache server is functioning as a cache server; and
> providing the requested media content to the client if the cache server is functioning as an origin server and the cache server contains the requested media content.

Claim 15 is not anticipated by the Burns reference. Claim 15 recites "receiving a request for media content from a client, wherein the request is received by a cache server capable of functioning as an origin server and capable of functioning as a cache server". As discussed above with respect to claim 1, Burns fails to disclose a cache server capable of functioning as an origin server and a cache server.

Thus, Burns fails to disclose the elements of claim 15. Accordingly, for at least these reasons, Applicant respectfully submits that claim 15 is not anticipated by the Burns reference. Given that claims 16-20 depend from claim 15, Applicant respectfully submits that those claims are likewise allowable over Burns for at least the reasons discussed above.

Claim 21 of the present application recites:

> One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:
> receive a request for media content from a client, wherein the request for media content is received by a server;
> determine whether the server is operating as a cache server or an origin server;
> process the request for media content based on a set of cache policies if the server is operating as a cache server; and
> provide the requested media content to the client if the server is operating as an origin server and the server contains the requested media content.

Claim 21 is not anticipated by the Burns reference. In particular, claim 21 recites one or more processors that "determine whether the server is operating as a cache server or an origin server". As discussed above with respect to claim 1, Burns fails to disclose a server capable of functioning as an origin server and a cache

server based on a set of cache policies. Further, Burns fails to disclose determining whether a server is operating as a cache server or an origin server, as recited in claim 21.

Thus, Burns fails to disclose the elements of claim 21. Accordingly, for at least these reasons, Applicant respectfully submits that claim 21 is not anticipated by the Burns reference. Given that claims 22-25 depend from claim 21, Applicant respectfully submits that those claims are likewise allowable over Burns for at least the reasons discussed above.

Conclusion

Claims 1-11 and 13-27 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 9-12-05

By: _____

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